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## UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Matthijs P. Smits  
Application No.: 09/479,548  
Filed: 7 January 2000  
For: Hearing Evaluation Device with  
Noise Detection and Evaluation  
Capability

Date: 25 January 2005  
Group Art Unit: 2644  
Examiner: Devona Faulk  
Attorney Ref. No.: 103.28

***Retraction of Request for Copy of Notice of Non-Compliant Amendment  
and Re-setting of Period for Reply***

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir or Madam:

The undersigned recently submitted a "Request for Copy of Notice of Non-Compliant and Re-Setting of Period of Reply."

In that request, I indicated that I had not received the Notice of Non-Compliant Amendment, and that the applicant's former counsel, Robert Isackson, indicated that he had not received the notice either.

However, after I filed my Request for Copy of Notice of Non-Compliant Amendment and Re-Setting of Period of Reply, I received a second communication from Mr. Isackson's office indicating that he had in fact received the notice, contrary to his previous indication.

Therefore, I wish to withdraw my previous request for a copy of the Notice of Non-Compliant Amendment and for re-setting of the reply period. I have submitted herewith a response to the Notice of Non-Compliant Amendment, as well as a Petition for Extension of Time.

Dated: 25 January 2005

By: *Daniel P. Maguire*  
Daniel P. Maguire, Reg. 41,506  
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